

Defendants. Objections were filed by Plaintiff on December 14, 2005. After de novo review of the pleadings and documents in the case, together with the report and recommendation and objections thereto, the following order is entered:

AND NOW, this 19th day of January, 2006;

IT IS HEREBY ORDERED that the Motions to Dismiss filed by Defendant West End Auto Body, Inc. [Document # 47] and Defendants Washburn, DiLullo, and City of Erie [Document # 46] are GRANTED, and Plaintiff's Amended Complaint is DISMISSED in its entirety.

It is further ORDERED that, pursuant to the authority granted to courts in the Prison Litigation Reform Act, Plaintiff's Amended Complaint is DISMISSED for failing to state a claim upon which relief can be granted as against Defendants Sanders, John Doe Badge No. 46, John Doe Badge No. 160, Dan Strong, Christopher Strong, Groehl, Bagnoni, and John Doe.

It is further ORDERED that, to the extent Defendants' Motions to Dismiss request dismissal of Plaintiff's original Due Process claim regarding the destruction of his vehicle, Defendants' motions are DENIED and such claim shall be allowed to proceed against the original Defendants West End Auto Body, Inc., Washburn, DiLullo, and City of Erie

The report and recommendation of Magistrate Judge Baxter, dated November 30, 2005, is adopted as the opinion of the court.



MAURICE B. COHILL, JR.
United States District Judge

cc: Susan Paradise Baxter
U.S. Magistrate Judge

all parties of record _____